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09/653,614	08/31/2000	Gregory L. Slaughter	5181-67400	4149

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Robert C Kowert  
Conley Rose & Tayon PC  
P O Box 398  
Austin, TX 78767-0398

EXAMINER

NGUYEN, VAN H

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/653,614

Applicant(s)  
SLAUGHTER et al.

Examiner  
VAN H. NGUYEN

Art Unit  
2151



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 28, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### DETAILED ACTION

1. This Office Action is in response to amendment A filed on May 28, 2002. Claims 1-50 remain in this application.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 USC § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-50 are rejected under 35 U.S.C. 102(b) as being anticipated by **Vacon et al.**

**As to claims 1, 14, and 26,** Vacon teaches a method comprising:

- a client accessing a space service according to a schema for the space service, wherein the space service is operable to store one or more service advertisements in a space, wherein each of the service advertisements comprises information which is usable to access a corresponding service, and wherein the space service is configured to provide functions to manage or access the one or more service advertisements in the space, wherein the functions of the space service are invoked according to the schema for the space service which specifies one or more messages for

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invoking functions of the space service (When a user terminal 12 'or the server 11 itself' requires a service...A message is then sent to the selected host node to initiate establishment of a virtual circuit for the service transaction...the object being to determine in advance what types of service will be used by 'or available to' a given type of user terminal 12 present at a server 11; col.4, line 13 - col.5, line 18);

- the client selecting one of the service advertisements from the space; and the client using the information from the selected service advertisement to execute the corresponding service (when a user terminal 12 makes a request of a server 11 that results in the server recognizing the need of a given type of service...a message type field 33 specifying that this is a service request...the first node 14 having the service available as requested sends a response of the type...indicating to the requesting server 11 that the service is immediately available; col.5, lines 19-51).

**As to claims 2 and 27,** Vacon teaches (col.2, lines 35-46) the client sending messages to the space service at a Uniform Resource Identifier.

**As to claims 3 and 28,** Vacon teaches (col.4, lines 1-67) the space service comprises a schema (fields), wherein the schema specifies one or more messages (advertising messages) usable to invoke functions (function) of the space service.

**As to claims 4 and 29,** Vacon does not explicitly teach the schema is expressed in a data representation language (col.3, lines 49-65).

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**As to claims 5 and 30**, “the data representation language comprises eXtensible Markup Language” is inherent to the system of Vancon.

**As to claims 6 and 31**, Vacon teaches (col.7, lines 1-67) the schema specifies messages usable to read (respond) advertisements from the space and publish (answered) advertisements in the space.

**As to claims 7 and 32**, Vacon teaches (col.4, lines 1-67) the client accessing the space service comprises the client sending (send) at least one of the messages specified in the schema to the space service.

**As to claims 8 and 33**, Vacon teaches (col.5, lines 1-67) the client accessing the space service comprises the client searching (recognizing) the one or more service advertisements stored in the space.

**As to claims 12 and 37**, Vacon teaches (col.7, lines 1-67) generating results in response (respond) to the executing the corresponding service for the selected service advertisement for the client; and publishing (answered) the results in a network-addressable location (network addresses), wherein information usable to access the network-addressable location is provided in an advertisement for the network addressable-location.

**As to claims 13 and 38**, Vacon teaches (col.5, lines 1-67) the client sending (makes) an instantiation request (request) to the space after the selecting one of the service advertisements from the space; obtaining a lease for the corresponding service for the selected service

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advertisement; sending the lease and the selected service advertisement to the client; and constructing a gate for the client to access the corresponding service.

**As to claim 15**, refer to claim 3 above for rejection

**As to claim 19**, refer to claim 6 above for rejection.

**As to claim 20**, refer to claim 8 above for rejection.

**As to claim 24**, refer to claim 12 above for rejection.

**As to claim 25**, refer to claim 13 above for rejection.

**As to claims 9 and 34**, refer to claim 2 above for rejection.

**As to claims 10 and 35**, refer to claim 4 above for rejection.

**As to claims 11 and 36**, refer to claim 5 above for rejection.

**As to claim 16**, refer to claim 2 above for rejection.

**As to claim 17**, refer to claim 4 above for rejection.

**As to claim 18**, refer to claim 5 above for rejection.

**As to claim 21**, refer to claim 9 above for rejection.

**As to claim 22**, refer to claim 10 above for rejection.

**As to claim 23**, refer to claim 11 above for rejection.

**As to claims 39, 43, and 47**, Vacon teaches a method comprising:

- storing a set of information in a space by sending at least one message specified in a schema for the space, wherein the schema specifies a plurality of messages usable to invoke functions of the space (a server sends a multi-cast message to all service providers requesting a

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service needed by one of the user terminals connected to this server. In the request, the service is identified by function; abstract), wherein the set of information is expressed in a data representation language (while these commonly-used communications methods are based on bit-serial transmission on the link 10, the features of the invention are applicable as well to communications methods using parallel data transmission on the link; col.3, lines 49-65/each server accumulates the data received in the service advertising messages...a transaction is begun for sending data to the selected host and receiving data from the host; col.4, lines 44-60), and wherein the space is addressable at a Uniform Resource Identifier (obtains the network address of the provider from the advertisement; col.2, lines 35-46);

- a client locating the space at the URI (obtains the network address of the provider from the advertisement; col.2, lines 35-46);

- the client retrieving the set of information expressed in the data representation language from the space by sending at least one of the messages specified in the schema for the space (when a user terminal 12 makes a request of a server 11 that results in the server recognizing the need of a given type of service...a message type field 33 specifying that this is a service request...the first node 14 having the service available as requested sends a response of the type...indicating to the requesting server 11 that the service is immediately available; col.5, lines 19-51).

**As to claims 40, 44, and 48, refer to claim 5 above for rejection.**

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**As to claims 41, 45, and 49**, “the space comprises one or more web pages which are viewable by a web browser” is inherent to the system of Vancon.

**As to claims 42, 46, and 50**, refer to claim 3 above for rejection.

### ***Response to Arguments***

3. Applicants’ arguments with respect to claims 1-50 have been considered but are moot in view of the new ground(s) rejection.

Applicants arguments presented issued which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant’s response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

### ***Conclusion***

**Prior Art not relied upon:**

Please refer to the references listed on the attached PTO-892 which are not relied upon in the claim rejections detailed above.

**Objective - Reducing and Simplifying the areas of disagreement:**

· The Examiner solicits Applicant's cooperation in reducing and simplifying the areas of disagreement by doing the following: 1) amending the independent claims in a manner fully supported by the specification to clearly distinguish over the prior art of record, AND/OR 2) directing clear and concise arguments to the specific claim language and claim elements that Applicant believes are not fairly taught nor suggested by the cited prior art of record. Applicant should cancel claims where appropriate. Applicant should preferably avoid



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arguing general differences between the cited references and the instant invention as disclosed in the specification. Your cooperation is appreciated.

· M.P.E.P. 2001.06(b) Information Relating to or from Copending United States Patent Applications

The individuals covered by 37 CFR 1.56 have a duty to bring to the attention of the examiner, or other Office official involved with the examination of a particular application, information within their knowledge as to other copending United States applications which are "material to patentability" of the application in Question, as set forth by the Court in *Armour & Co. v. Swift & Co.*, 175 USPQ 70, 79 (7th Cir. 1972).

Format of Amended Claims pursuant to 37 C.F.R. 1.121:

37 CFR § 1.121 amendments were optional on November 7, 2000 and became mandatory on March 1, 2001.

· Please help expedite the prosecution of this application by including a clean set of all pending claims, consolidating all previous versions of pending claims from a series of separate amendments into a single clean version in a single amendment paper. This submission of a clean version of all of the pending claims will be construed as directing the cancellation of all previous versions of any pending claims. No marked-up version will be required to accompany the clean version where no changes other than the consolidation are being made. 37 CFR § 1.121.

For details of the PBG final rules please refer to the following PTO website:  
<http://www.uspto.gov/web/offices/dcom/olia/pbg/index.html>

**Please verify the CORRECT SERIAL NUMBER in all responses:**

· All incoming papers received by the PTO are matched with the application file by application serial number. Failure to include a correct application serial number on PTO correspondence will result in significant processing delays. The use of the correct PTO application serial number is required on all future correspondence.

**Please verify your CORRECT MAILING ADDRESS:**

· If your mailing address changes after the filing of the instant application you must promptly notify the PTO of your CHANGE OF ADDRESS to prevent PTO correspondence being returned by the Post Office as undeliverable.

**How to Contact the Examiner:**

- Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Van H. Nguyen whose voice telephone number is (703) 306-5971. A voice mail service is also available at this number.

- All responses sent by U.S. Mail should be mailed to:

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- Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

**IMPORTANT CHANGE IN PTO FAX POLICY:**

- AFTER-FINAL faxes must be signed and sent to: (703) 746-7238.
- OFFICIAL faxes must be signed and sent to: (703) 746-7239.
- NON OFFICIAL faxes should not be signed, please send to: (703) 746-7240, or to Examiner Nguyen's desktop computer at 703-746-5475.

**All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.**

**To avoid ongoing Washington D.C. area mail processing delays, the Examiner requests that Applicant direct all communications to the PTO by fax.** All incoming faxes are securely stored on PTO computers that are dedicated to fax reception. If you send a fax, please **do not** send duplicate papers via U.S. mail.

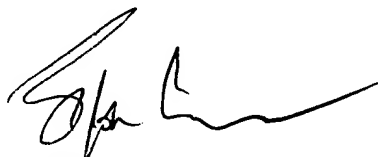
Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (703) 305-3900.

Please direct inquiries regarding fees, paper matching, and other issues not involving the Examiner to TC 2100 CUSTOMER SERVICE: 703 306-5631.

08/12/02

Van H. Nguyen

Patent Examiner-AU#2151



ST. JOHN COURTENAY III  
PRIMARY EXAMINER